

2240 POST-SECONDARY SCHOOLS

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2240 Certification of Post-Secondary Schools

2240.1 Definitions

2240.1.1 “Post-secondary school” means any person who offers or operates a program of college or professional education for credit or degree. Significant changes to an existing post-secondary school such as changing from an associate to an undergraduate degree program, or adding a new graduate degree program shall be considered the operation of a post-secondary school for the purposes of registration and certification.

2240.1.2 “A post-secondary school whose primary operation is in the State of Vermont” means a post-secondary school which offers the majority of its courses in an institution in Vermont or which maintains its principal administrative offices in Vermont and offers post-secondary courses in Vermont.

2240.1.3 “Confer a degree” and “degree-granting authority”, for the purposes of these rules, mean the act of conferring and the authority to confer a degree to a student who has completed the requisite coursework and other requirements in a post-secondary school doing business in Vermont. An out-of-state post-secondary school which offers more than seventy-five percent of its credit hours toward a degree in its Vermont affiliate must obtain a certificate of degree-granting authority in Vermont before it may confer or offer to confer a degree.

2240.1.4 “Business organization” for the purposes of 16 VSA §176 (d) (1), may include a corporation if the program of education is provided solely for the employees or invitees of the corporation.

2241 Certification of Vermont-Based Post-Secondary Schools

2241.1 Statutory Authority: 16 VSA §176

2241.2 Registration

Any person who desires to operate a post-secondary school in Vermont, which shall have its primary operation in Vermont, shall file with the commissioner prior to commencing operation a statement of intent to operate which shall include the following information:

- (a) Name, location and legal nature of the school including affiliations with other organizations, if any.
- (b) Name and title of the chief administrative official.
- (c) Operating calendar of the school.
- (d) A concise description of the program(s) to be offered.
- (e) A description of the proposed student body including a projection of the size and level of education at admission.
- (f) After July 1, 1991, assurance that each applicant for enrollment is notified, in writing, on an application, enrollment or registration form to be signed by the applicant, that credits earned at the school are transferable only at the discretion of the receiving school.
- (g) If the school is to offer credit or degree by correspondence, proof of a correspondence license.
- (h) A notice to applicants for enrollment that the school does not possess degree-granting authority.

2241.3 Application for Certification of Approval

A person desiring a certificate of approval from the State Board of Education shall file an application with the commissioner within eighteen months after admitting the first student. A person may file an application for a certification of degree granting authority at any time but may not operate beyond eighteen months after admitting the first student unless an application for a certificate of approval has been filed. The application shall indicate the certification sought and shall include a description of the school which contains the following:

- (a) The name, location and legal nature of the school including a copy of the articles of association or other documents descriptive of the legal nature of the school.
- (b) The credits or degree(s) which the school proposes to offer.
- (c) The time schedule by which the school intends to implement the program for which certification is sought.
- (d) The purpose and philosophy of education of the school.

- (e) The organization of the school including a description of its governance, administration and affiliation with other organizations for the provision of services or programs.
- (f) A description of the financial resources and policies of the school, including its present and anticipated future assets, sources of funding and revenue, start-up costs for proposed programs and operating budget. Assets and income and expenditures for the school's prior fiscal year shall be presented in an audited financial statement prepared by a certified public accountant.
- (g) The school's policy regarding refund of tuition and fees collected in advance from students.
- (h) A description of the school's plant, library and equipment.
- (i) A description of academic programs including their level, site and length. The application shall set forth, if any, the minimum credit requirements.
- (j) A statement regarding the school's professional staff including its policy regarding appointment, promotion, tenure, if applicable, dismissal, the qualifications of professional staff, teaching and student loads, and the numbers of full-time and part-time and adjunct staff and their non-teaching responsibilities.
- (k) A description of the student body including its size and level of education at admission, methods of recruitment, and available financial aid resources.
- (l) A copy of all catalogues or brochures publicly distributed by the school and a copy of advertisements sponsored by the school to recruit students or solicit funds.
- (m) If the school is to offer credit or degree(s) by correspondence, proof of a correspondence license.
- (n) After July 1, 1991, evidence that each applicant for enrollment is notified, in writing, on an application, enrollment or registration form to be signed by the applicant, that credits earned at the school are transferable only at the discretion of the receiving school.

2242 Certification of Post-Secondary Schools Doing Business in Vermont Whose Primary Operation Lies Outside of Vermont

2242.1 Statutory Authority: 16 VSA §176a

2242.2 Application for Certification of Approval

A person desiring a certificate of approval from the State Board shall file an application with the Commissioner prior to admitting students. A person may file an application for a certification of degree granting authority at any time but may not admit students without having received a certification of approval and may not confer or offer to confer a degree without having received a certificate of degree granting authority unless exempt under rule 2240.1.3. The application shall indicate the certificate sought and shall include a description of the school which contains the following:

- (a) The name, location and legal nature of the school including a copy of articles of association or other documents descriptive of the legal nature of the school.
- (b) The credits or degree(s) which the school proposes to offer.
- (c) The time schedule by which the school intends to implement the program for which certification is sought.
- (d) The purpose and philosophy of education of the school.
- (e) The organization of the school, including a description of its governance, administration and affiliation with other organizations for the provision of services or programs.
- (f) A description of the financial resources of the school, including its present and anticipated future assets, sources of funding and revenue, start-up costs for proposed programs and operating budget. Assets and income and expenditures for the out-of-state school's prior fiscal year shall be presented in an audited, financial statement prepared by a certified public accountant.
- (g) The school's policy regarding refund of tuition and fees collected in advance from students.
- (h) A description of the school's plant, library and equipment.
- (i) A description of academic programs including their level, site and length. The application shall set forth, if any, the minimum credit requirements.
- (j) A statement regarding the school's professional staff including its policy regarding appointment, promotion, tenure, if applicable,

dismissal, the qualifications of professional staff, teaching and student loads, and the numbers of full-time and part-time and adjunct staff and their non-teaching responsibilities.

- (k) A description of the student body including its size and level of education at admission, methods of recruitment and available financial aid resources.
- (l) A copy of all catalogues or brochures publicly distributed by the school and a copy of advertisements sponsored by the school to recruit students or solicit funds.
- (m) If the school is to offer credits or degree(s) by correspondence, proof of application for a correspondence license.
- (n) After July 1, 1991, evidence that each applicant for enrollment is notified, in writing, on an application, enrollment or registration form to be signed by the applicant, that credits earned at the school are transferable only at the discretion of the receiving school.
- (o) A statement of commitment to offer the full program for students to complete the program in a reasonable length of time.
- (p) If the school is accredited, documentation of accreditation.

2243 Review Process-Schools Chartered In and Out of Vermont

2243.1 Review of Application for Certificate of Approval

Upon receipt of an application for certificate of approval, the Commissioner shall appoint a review team of no fewer than two individuals. The commissioner shall appoint persons to the review team who possess general knowledge of post-secondary school standards and, where applicable, persons with specialized knowledge in any particular programs offered by the school. At least one of the persons so appointed shall be from a Vermont post-secondary school or representative organization. The team shall review the application and shall verify its contents, if necessary, by visiting the school. The team shall present written recommendation regarding certification to the Commissioner within 90 days of the receipt of the completed application unless a longer period is required and explained in writing to the applicant. A copy of this recommendation shall be provided at the same time to the applicant. The applicant shall be given 30 days to respond, and if requested, shall be afforded a hearing before the Commissioner or his or her designee before a recommendation regarding certification is made by the Commissioner to the State Board.

2243.2 Application for Certificate of Degree Granting Authority

Upon receipt of an application for degree granting authority, which shall contain all the information required by an application for certification of approval and information documenting that the requirements of rule 2243.6.1 are met, the commissioner shall contact the Vermont Higher Education Council which shall review the application and determine the accuracy of its contents, if necessary, by visiting the school. The Commissioner may also appoint independent reviewers to accompany representatives of the Higher Education Council reviewing the school. The Higher Education Council shall present written recommendations regarding certification to the Commissioner within 90 days of the receipt of the completed application unless a longer period is required and explained in writing to the applicant. The independent reviewers, if appointed by the Commissioner, may either join in the recommendations of the Higher Education Council or present independent recommendations. A copy of all recommendations shall be provided to the applicant at the same time they are provided to the Commissioner. The applicant shall be given 30 days to respond to the recommendations and, if requested, shall be afforded a hearing before the Commissioner or his or her designee before a recommendation regarding certification is made by the Commissioner to the State Board. The State Board shall be provided with a copy of the recommendation of the Higher Education Council and, if applicable, a copy of the recommendations of the independent reviewers.

2243.3 Renewal of Certification

A school seeking renewal of certification shall apply in writing to the commissioner no later than six months prior to the end of any period of certification. Where appropriate, the school may incorporate by reference its prior application or any portion thereof. Certification of a school completing timely application shall extend until the State Board acts on further certification.

2243.4 Costs of Review

Post-secondary schools seeking a certificate of approval or renewal thereof shall be responsible for payment of up to \$1000.00 to the Vermont Department of Education to cover the actual costs of services related to the certification and, in addition, for payment of travel, food and lodging expenses associated with evaluation costs. Schools seeking a certificate of degree-granting authority shall be responsible for payment of \$1500.00 to the Department of Education for transfer to the Vermont Higher Education Council to cover the costs of certification and, in addition, for payment of

travel, food and lodging expenses associated with evaluation costs. Payment of the costs of services related to certification shall accompany the application and is non-refundable. An application shall not be deemed complete until the payment is made.

Transition provision. A post-secondary school which applied for a certificate of approval or degree-granting authority in Vermont after July 1, 1990 but before the effective date of these rules shall make payments as specified in the preceding paragraph except that such payments shall be made at any item prior to the determination by the State Board of Education on certification.

2243.5 Criteria for Issuance of a Certificate of Approval

To be issued a certificate of approval, an applicant shall demonstrate the following:

2243.5.1 Resources Required to Meet Stated Purposes

The school shall submit a clear and specific statement of purpose regarding the education which it intends to provide and shall demonstrate that it has the resources, including personnel, curriculum, finances, and facilities necessary to accomplish its stated purposes. All activities conducted by the school shall be consistent with its stated purpose.

2243.5.2 Stability

- (a) Sources of Income. The school shall have a plan for financing each proposed degree level or program. The plan shall specify the dollar amounts and proportions of income by source, including but not limited to: (1) tuition and fees, (2) other school generated funds, (3) federal or state funds, and (4) private funds.
- (b) Financial Capability. The school shall demonstrate in its financial plan that it will have sufficient funds to maintain operation and shall clearly document its ability to fulfill contractual obligations to students.
- (c) Management. The school shall operate under a governing structure which clearly delineates responsibility for all legal aspects of operations. The school shall demonstrate sound business and financial management by showing evidence of an internal organization for the administration of its financial resources and a school budget planning process.

In addition, the school shall maintain adequate financial records audited annually by an independent certified public accountant.

2243.5.3 Disclosure

Information provided by the school to prospective students either directly or through advertisements shall not be false or misleading. The school shall be able to substantiate any claims regarding such matters as the likelihood of employment, graduate school admission or transfer of credit. The following information shall be disclosed in a general catalogue, bulletin or other public information document provided to prospective students prior to enrollment:

- (a) Name and address of school.
- (b) Date of publication of the document and the period of time to which it pertains.
- (c) The school's calendar including beginning and ending dates of educational programs, holidays and other dates of importance.
- (d) The purpose and philosophy of education of the school.
- (e) A brief description of the school's physical facilities as related to the educational program.
- (f) An accurate list of all educational activities.
- (g) An indication of when specific required courses or other required learning experiences will normally be available.
- (h) Educational content of each course, or of the program if separate courses do not exist.
- (i) The length of time in hours, weeks or months normally required for completion of the educational program.
- (j) An accurate listing of current educational providers.
- (k) An indication of the distinction, if any, between adjunct or part-time educational providers and full-time educational providers.

- (l) Policies and procedures regarding the extent to which educational experiences at other schools or other forms of learning will be counted toward meeting graduation requirements.
- (m) Requirements for graduation.
- (n) Statement of certificates or diplomas awarded upon graduation, if any.
- (o) Statement of degrees awarded upon graduation, if any. If a degree is to be conferred by an out-of-state post-secondary school as a result of credits earned both at a school doing business in Vermont and elsewhere as a condition of the degree, how the credits earned in Vermont are integrated into the overall degree requirements.
- (p) System of grading or evaluation.
- (q) The school's policy establishing standards for determining adequate progress.
- (r) Availability and extent of such student services as job placement service, counseling for academic and personal problems, food service facilities, and parking facilities.
- (s) The availability of financial aid.
- (t) An accurate representation of, and the distinction between, school accreditation, institutional memberships in professional organizations, specialized or professional program accreditation, state VA-approving agency course approval and state certification.
- (u) The school's policy regarding refund of tuition and other fees collected in advance of enrollment or class attendance.
- (v) The school's "closing" policy establishing procedures which will be followed in the event that a determination is made to cease operation.
- (w) The school's student records policy with provisions regarding access, disclosure and the cost of copies.

- (x) After July 1, 1991, a statement that credits earned at the school are transferable only at the discretion of the receiving school.

2243.5.4 Facilities

The school's facilities shall meet all applicable state, federal and local fire, safety, health and access standards.

2243.5.5 Student Records

The school shall have adequate procedures for the safe keeping of student records and for complying with the requirements of 16 VSA §175.

2243.5.6 Waiver of Requirements for Certification

A school which believes that one or more of the above requirements for certification should not be applied to it may request that such requirement be waived in its application for certification. The State Board may waive requirements and grant certification when it determines that the school is capable of providing its proposed program and that the students are adequately protected.

2243.6 Criteria for Issuance of a Certificate of Degree Granting Authority

To be issued a certificate of degree granting authority, a school shall show that it meets all of the criteria for issuance of a certificate of approval and in addition shall demonstrate the following:

2243.6.1 Degree Criteria

Schools desiring to offer post-secondary degrees including graduate degrees, shall clearly state their criteria for granting each degree and the procedure for determining that these criteria are met. Schools desiring to offer an associate degree shall provide and require completion of a minimum of 60 credit hours or equivalent learning experiences. Each educational program leading to a baccalaureate degree shall provide and require a minimum of 120 semester credit hours or equivalent learning experiences. Candidates for a degree shall be required to complete a coherent program of study.

2243.7 Certification Limitations

The State Board may grant a certificate of approval or degree granting authority, or renewal thereof, for a period of time the Board deems reasonable and appropriate not to exceed five years and upon such conditions, terms or limitations as the Board deems necessary. A school which has been granted a certificate shall notify the State Board prior to making substantive changes in or additions to the educational program described in its last application for certification. The State Board may require a school to re-apply for certification following program changes which are inconsistent with the purposes and educational philosophy stated by the school in its most recent application for certification or prior to offering a new level or degree.

2243.8 Denial, Approval with Stipulations, Revocation or Suspension of Certification

2243.8.1 Process

Prior to recommending denial, approval with stipulations, revocation or suspension of certification to the State Board, the Commissioner shall notify in writing the school of the reasons for the proposed action. The school shall be given 30 days to respond, and, if requested, shall be afforded a hearing before the Commissioner or his or her designee. The school shall also be afforded an opportunity to be heard by the Board before any action is taken.

2243.8.2 Criteria for Revocation or Suspension

The Board may suspend or revoke certification for good cause. Good cause shall include, but not be limited to:

- (a) Failure of the school to continue to meet criteria for certification herein specified.
- (b) Failure of the school to meet terms and conditions or limitations of certification established by the Board.
- (c) Falsification of information provided to the Board.
- (d) False or deceptive advertising.
- (e) Judgment of bankruptcy in a liquidation proceeding.
- (f) Ceasing of operation, or

- (g) Refusal to permit team evaluation or other investigations provided for under these regulations.

2243.8.3 Investigations

The Commissioner may conduct any investigations of a school deemed necessary and appropriate in order to insure compliance with the terms of these regulations. A school shall permit any authorized representative of the Commissioner to visit its facilities and secure relevant information during the normal course of business. The school shall be notified prior to such a visit.

2250 Preservation of Post-Secondary Institutions' Student Records

2250.1 Statutory Authority: 16 VSA §175

Institutions of higher education are required to maintain their student academic records in a form prescribed by the State Board of Education. The State Department of Education, Division of Adult Education Services, is authorized to insure that the student academic records are in appropriate form. The institution of higher education is required to inform the State Board in the event it intends to close and to surrender its student academic records to a repository designated by the Board for storage. The repository is authorized to make verified copies available to students and former students.

2250.2 Maintenance of Academic Records

Each institution of higher education operating in this state shall maintain its permanent records in such a manner that they could be delivered to the State Board of Education in a satisfactory form should the institution discontinue operation. At a minimum, the records shall be kept current and preserved against damage or loss.

Monitoring

Upon reasonable notice, every institution shall make available to a representative of the State Board of Education its student records for the purpose of ensuring compliance with this regulation. Examination of the records under this section shall take place in a manner that will not permit identification of individual students.

Return of Records

A repository may duplicate the records of an institution and then return the original records to the institution.

Institutions Discontinued Prior to April 25, 1979

The custodian of records of institutions discontinued prior to April 25, 1979, shall be subject to the requirements of 16 VSA §175 and these regulations.

2250.3 Form and Contents of Academic Records

The permanent academic record of each student registered for credit at an institution of higher education which operates in this state, whether or not such institution is chartered in this state, shall contain at a minimum:

- the identification of the institution;

- the identification of the student;

- the record of courses satisfactorily completed and evaluation of the student's work therein, or, if records are not kept in this form, other records of the student's studies and academic progress;

- periods of enrollment covered by the third item above;

- the student's status at the close of the last period of enrollment;

- degree and/or certificates awarded.

A key to, or explanation of, the student's permanent academic record shall be available to accompany this record.

2260-2265.3 were repealed as of 4/24/96

2266 Post-Secondary Correspondence Schools

A correspondence school which offers post-secondary credits or degree(s) shall also meet the applicable requirements of §§176 and 176a of Title 16.

